

**MINUTES
BARBERING AND COSMETOLOGY EXAMINING BOARD
MONDAY, APRIL 7, 2003**

PRESENT: Bruce Bennett, Barbara Flaherty, Karen Kraus, Leon Lauer,
Marvile Martin, Lee Martinez, Denise Svetly

EXCUSED: Laura Jenkins

STAFF PRESENT: Otis Nickson, Bureau Director; Wayne Austin, Legal Counsel;
Gina York, Program Assistant; and other Division of Enforcement
Staff for portions of the meeting

GUESTS: Hafeezah Ashmad, DWS/BAS; Ashley Szews, SCBC-Wausau; and
Toni Mohr, SCBC-Wausau

CALL TO ORDER

Leon Lauer, Chair called the meeting to order at 9:55 a.m. A quorum of seven members was present.

ADOPTION OF AGENDA

Additions to the Agenda:

- Delete Item 5: Administrative Rules section.
- b) American Electrology Association Letter
- Add to Item 14(d), Stipulations for Superior Barber Shop and Absolute Perfection
- Add to Item 15(c), Closed Session, C4. Superior Barber Shop Stipulation and C5. Absolute Perfection

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (3/03/2003)

Addendum to the Minutes:

- Page 5, Under #4: Delete last sentence.
- Page 5, Under #5: Delete last sentence.

MOTION: Bruce Bennett moved, seconded by Lee Martinez, to approve the minutes of 03/03/03, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

BOARD ROSTER

The Board Roster was reviewed by the Board. One revision was requested. Mr. Lee Martinez would like his e-mail address to be removed from the board roster. The request will be submitted to Roxanne Peterson for roster to be revised as indicated.

2003 MEETING DATES

The 2003 meeting dates for the Board were reviewed and approved by the Board.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

This report is for informational purposes only.

SECRETARY COMMENTS

Secretary Donsia Strong Hill addressed the Education Committee today and introduced other new administrative staff, Deputy Secretary Mary Schlaefer, DOE Division Administrator Sandra Rowe, and Division Administrator of Management Services Cris Selin.

MAILING OF DUPLICATE REGULATORY DIGESTS

The Board discussed the mailing of duplicate Regulatory Digests. This publication is distributed to practitioners, managers and establishments but there are many times they are the same individual. Mary Forseth has been assigned by the Department to work on the Regulatory Digest issues and she will look into this problematic area.

PRACTICE ISSUES

REPORT FROM THE CONTINUING EDUCATION COMMITTEE

Barbara Flaherty provided a summarized report to the Board. The Committee discussed the results of the CE Survey. The data showed Sanitation as the most important issue and Karen Kraus is developing an eight-hour curriculum and will present it at the next Committee meeting.

Secretary Strong Hill addressed the Committee this morning and introduced other new administrative staff: Deputy Secretary Mary Schlaefer, DOE Division Administrator Sandra Rowe, and Division Administrator of Management Services Cris Selin.

The Committee has updated the prioritized CE list of continuing education categories and will continue with continuing education development as identified.

REVIEW PROPOSED LEGISLATIVE AND RULE CHANGES WAYNE AUSTIN

The Board reviewed language proposed by Wayne Austin, Legal Counsel, and recommended some additional changes to the language.

MOTION: Karen Kraus moved, seconded by Lee Martinez, to approve with the changes indicated to Mr. Austin, a scope statement and legislative request be done and to move forward through the legislative process. Motion carried unanimously.

CLEAN AND EASY WAXING SPA ROLL-ON APPLICATION SYSTEM

The Board obtained the lab results from American International Industries (AII) regarding the Clean and Easy Roller Application System. After the Board reviewed the information provided, it took the following action.

MOTION: Denise Svetly, seconded by Marvile Martin, to allow licensees to use the AII product from the Ohio State Board but this is not an endorsement of this product. Motion carried unanimously.

EXAMINATIONS

INSTRUCTOR EXAMINATION ISSUES

At the last meeting, the Examination Committee provided some recommendations regarding the instructor's examinations but the Board did not recommend approval of the preliminary recommendations. The Board requested further exploration be conducted and for Darwin Tichenor to provide information gathered at the April 2003 meeting.

Darwin Tichenor reported to the Board that the Examination Review Committee will review the NIC and SMT examinations to see if it fits our survey results. Mr. Tichenor will update the Board on this issue at the next Board meeting.

LEGISLATION

REVIEW PROPOSED LEGISLATIVE CHANGE REGARDING FELONY CONVICTIONS, SECTION 454.06 (1)(b)

The Board reviewed the new revisions by Wayne Austin, Legal Counsel, to Statute 454.06 (1)(b) at the same time as other proposed language earlier at today's meeting. The revised language was approved as indicated in that motion. (See motion under heading "Review Proposed Legislative and Rule Changes")

BOARD MEMBER ACTIVITY

Informational.

DIVISION OF ENFORCEMENT

None.

LEGAL COUNSEL REVIEW

None.

NEW BUSINESS

FOREIGN TRAINED APPLICANTS AND LICENSURE BY RECIPROCITY JUDY MENDER

Judy Mender provided information on procedures and qualifications for foreign schooled applicants and criteria for these applicants for licensure by reciprocity. The Board discussed this issue at length and made the following decision.

MOTION: Karen Kraus moved, seconded by Barbara Flaherty, that the Board requests any application with concerns or issues of granting a license Judy Mender will bring it before the full Board for a complete review. Lee Martinez and Marvile Martin abstained. Motion carried.

PRESENTATION OF PROPOSED STIPULATIONS BY PROSECUTORS OR ANY THAT MAY BE SUBMITTED AFTER PRINTING OF AGENDA

Proposed stipulations were discussed in closed session.

CLOSED SESSION

MOTION: Barbara Flaherty moved, seconded by Karen Kraus, to convene to closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) The motion was approved by a role call vote: Lee Martinez-yes; Leon Lauer-yes; Barbara Flaherty-yes; Karen Kraus-yes; Marvile Martin-yes and Denise Svetly-yes. Motion carried unanimously.

Open Session adjourned at 11:34 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE TO OPEN SESSION

MOTION: Denise Svetly moved, seconded by Marvile Martin, to reconvene into open session at 12:01 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Denise Svetly moved, seconded by Marvile Martin, to accept all decisions and motions made in closed session. Motion carried unanimously.

MONITORING REPORT

There was nothing before the Board at this time.

STIPULATIONS

CURL UP AND DYE, INC. AND CORNELL STALLWORTH (MILWAUKEE)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Curl Up and Dye, Inc. and Cornell Stallworth (Milwaukee). Motion carried unanimously.

BARBERS HAIRSTYLISTS FOR MEN AND WOMEN (d/b/a COST CUTTERS 6573 - WIS RAPIDS)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Barbers Hairstylists for Men and Women (d/b/a Cost Cutters 6573 – Wis Rapids). Motion carried unanimously.

MARY LOU RICHTER (NEW BERLIN)

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Mary Lou Richter (New Berlin). Motion carried unanimously.

SUPERIOR BARBER SHOP AND WILLIE C. CORDER

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Superior Barber Shop and Willie C. Corder. Motion carried unanimously.

ABSOLUTE PERFECTION BEAUTY CAFÉ AND LORRIANE K. PELLIN

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matters concerning Absolute Perfection Beauty Café and Lorraine K. Pellin. Motion carried unanimously.

APPRENTICE APPLICATION REVIEW

GREGORY HAYGOOD

MOTION: Karen Kraus moved, seconded by Denise Svetly, that Gregory Haygood will not receive credit for hours earned without a permit. Motion carried unanimously.

HEATHER MACAR

MOTION: Denise Svetly moved, seconded by Marvile Martin, to deny the application for Heather Macar. Reason for the denial is due to her felony conviction. Motion carried unanimously.

CASE CLOSINGS AND CASE STATUS REPORT

MOTION: To close Case **01 BAC 070** for prosecutorial discretion (P5) and flag the credential.

MOTION: To close Case **02 BAC 003** for prosecutorial discretion (P5). Individual deceased.

NEXT MEETING AGENDA ITEMS

- Continuing Education Committee Report
- Examination Committee Update
- Scope Statements & Legislative Update

ADJOURNMENT

MOTION: Marvile Martin moved, seconded by Denise Svetly, to adjourn the meeting at 12:15 p.m. Motion carried unanimously.

NEXT MEETING: JUNE 2, 2003